

Torah Study on Tisha B'Av

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The laws of Tisha B'Av preclude the study of Torah. Yet, to a certain extent, Tisha B'Av is one of the most popular days for Torah study.²⁹ This is due to the fact that it is permissible to study certain portions of Torah, most notably, portions that are relevant to Tisha B'Av. In this article, we will explore the nature of the prohibition against Torah study on Tisha B'Av and the permissibility to study those portions.

What is the Basis for the Prohibition?

The source for the prohibition against Torah study on Tisha B'Av is a *Beraita*:

Our rabbis taught, all of the commandments that apply to a mourner apply on Tisha B'Av ... One may not read the Torah, the Prophets or the Writings, one may not study Mishna, Talmud, or Midrash, whether halachic or aggadic ... One may read Job, Lamentations and the somber portions of Jeremiah. The schools are closed on that day as it states (Tehillim 19:9) 'The commandments of God are just, they cause the heart to rejoice.'

Ta'anit 30a

ת"ר כל מצות הנוהגות באבל נוהגות
בט' באב ... אסור לקרות בתורה
בנביאים ובכתובים ולשנות במשנה
בתלמוד ובמדרש ובהלכות ובאגדות
... אבל קורא הוא באיוב ובקינות
ובדברים הרעים שבירמיהו ותינוקות
של בית רבן בטלים בו משום שנאמר
פקודי ה' ישרים משמחי לב.
תענית ל.

There are a number of questions one can ask regarding this passage:

1. The Gemara, *Mo'ed Katan* 21a, in presenting the prohibition against Torah study for a mourner during the first seven days does not present any subjects that the mourner may study. Is there a difference between Tisha B'Av and private mourning?
2. The end of the *Beraita* cites a verse that Torah study provides one with joy. Is this the basis for the prohibition against Torah study on Tisha B'Av or is the verse only employed for the prohibition against teaching children?
3. Do the selected portions of permissible study provide one joy when studying them throughout the year? If so, why is it permissible to study these portions on Tisha B'Av?

There is a discussion in *Tosafot* whether the sections that are permissible to study on Tisha B'Av are necessarily permissible for a mourner mourning the loss of a relative:

²⁹ As an example, yutorah.org received five times its average daily traffic on Tisha B'Av 5770.

In the responsa of Rabbeinu Yitzchak it states that Rabbeinu Ya'akov prohibited [study of] Job, Lamentations and the somber portions of Jeremiah during one's mourning period because the Talmud does not mention it [regarding mourning] as it does regarding Tisha B'Av. In his later years, he permitted it ... Rabbeinu Yitzchak's proof to prohibit it from the previous statement that [a mourner] is prohibited from Torah study as it states (Yechezkel 24:17) 'whimper in silence' which implies [a prohibition from studying] everything, doesn't seem to be a proof ...

Tosafot Mo'ed Katan 21a.

בתשובת רבינו יצחק זקני כתב כי רבינו יעקב היה אוסר בימי אבלו באיוב ובקינות ובדברים הרעים שבירמיה מדלא תני ליה בשמעתין כמו ט' באב שילהי תענית ובימי זקנותו חזר והתיר ... ומה שהביא רבי יצחק ראייה לאסור מדקאמר לעיל אסור בדברי תורה שנאמר האנק דום ומשמע הכל אין נ"ל ראייה ...

תוספות מועד קטן כא.

Rabbeinu Ya'akov (Rabbeinu Tam c.1100-1171) concluded in his later years that it is permissible for a mourner to study certain portions of Torah. Yet, Rabbeinu Yitzchak seems to take the approach that it is prohibited. R. Menachem Meiri (1249-1306) explains why one might distinguish between Tisha B'Av and mourning the loss of a relative:

According to some, it is prohibited [to study] even Lamentations and the somber portions, even though these are permissible on Tisha B'Av because mourning [the loss of a relative] is focused on silence and Tisha B'Av is focused on feeling suffering.

Beit HaBechirah, Mo'ed Katan 15a

שלדעת קצת אסור אף בקינות ודברים הרעים אעפ"י שהותרו בתשעה באב, שבאבל הדבר תלוי בשתיקה, ובתשעה באב אינו תלוי אלא בצער.

בית הבחירה מועד קטן טו.

Meiri's comments seem to provide an important insight into the nature of the day of Tisha B'Av. Regarding mourning the loss of a relative, the focus is on the deceased and therefore, there is a requirement to be "silent" on any other matters.³⁰ The prohibition against a mourner exchanging greeting with someone else is also based on the requirement for silence.³¹ Both Torah study and greetings can serve as a distraction from the mourning process and are therefore prohibited. However, mourning on Tisha B'Av is a different experience. The Gemara, Yevamot 43b, refers to the mourning of the destruction of the Temple as *aveilut yeshana*, old mourning. We are mourning events that took place many years ago and the feeling of grief that a mourner normally experiences doesn't come naturally. Perhaps according to Meiri, the rabbis allowed/encouraged³² the study of Torah portions that facilitate one to mourn properly. Furthermore, Tisha B'Av is considered a day of mourning for all Jewish tragedies and, as such,

³⁰ *Shulchan Aruch, Yoreh De'ah 384:4*, rules that a mourner may study the aforementioned Torah portions privately. One might still argue that Meiri's analysis is applicable and that the requirement to study these portions privately is a function of a modified understanding of "silence."

³¹ *Mo'ed Katan 15a*. Rambam, *Hilchot Ta'anot* 5:11, implies that this rule is more relaxed on Tisha B'Av. See *Bach, Orach Chaim* no. 554, and Magen Avraham 554:22.

³² See R. Eliyahu Schelisinger, *Eleh Hem Moada'i*, Vol. IV, no. 161, for a discussion about whether there is an exemption from the mitzvah of studying Torah on Tisha B'Av or whether there is an obligation to study the aforementioned portions. It should be noted that even if there is an exemption from the perspective of the mitzvah of studying Torah, it may still be encouraged to study these portions in order to properly experience Tisha B'Av.

study of Torah portions relating to tragedies of the Jewish people is not considered a distraction from the mourning process, but rather a more intense focus on mourning.³³

How does Meiri's approach account for the concern that Torah study brings one joy? Rashi (1040-1105), *Ta'anit* 30a, *V'Asur Likrot*, states explicitly that the prohibition against Torah study on Tisha B'Av is based on the concern that Torah study brings one joy. Yet, R. Shmuel Eidels (1555-1631), Maharsha, *Ta'anit* 30a, suggests that perhaps the prohibition against Torah study is not based on a concern for joy. The concern for joy only applies when one is teaching children. Rather, the concern is that Torah study is a distraction from mourning the destruction of the Temple.

Meiri's approach seems to be more compatible with Maharsha's explanation. If the only concern for prohibiting Torah study is joy, there should be no reason to distinguish between someone mourning the loss of a relative and Tisha B'Av. However, if the concern is distraction, it is easier to distinguish between the two different types of mourning as presented earlier. Nevertheless, such an assertion would lead one to the conclusion that Rashi and Maharsha's explanations are contingent on the dispute about whether someone mourning a relative may study the aforementioned selected portions, a conclusion that is not compelling. Alternatively, it is possible that we are concerned for joy as well as distraction. This approach is advanced by R. Shlomo Kluger, *Chochmat Shlomo, Orach Chaim* 554:1.

Is it Permissible to Study These Portions In Depth?

Meiri's comments are also relevant to the question of how in depth one may study the permissible portions. R. Yosef Karo, *Beit Yosef, Orach Chaim* no. 554, quotes the opinion of Rabbeinu Peretz (d. 1295) that one may not study the commentaries on Yirmiyahu and Iyov because one may only read these portions and not delve into their analysis. R. Karo then quotes Maharil (c. 1365-1427) who states:

To study the commentaries to Jeremiah, Job and the third chapter of Mo'ed Katan on Tisha B'Av, I am not sure why you distinguish between the commentaries and the text. Is there a reason to believe that one is only permitted to perform a superficial reading? Are we dealing with the ignorant who don't understand what comes out of their mouths? If so, let them study whatever they want because if they don't understand, why not also learn the commentaries? ... If your concern is that there is in depth study, it would seem that this is better ... because if one struggles to understand, it is preferable.

Responsa of Maharil no. 201

וללמוד בט' באב פ' ירמיה ואיוב, ואלו מגלחין, לא ידענא במאי נסתפקת אדון לחלק בין [הפירוש] והקריאה, וכי סלקא דעתך שלא התיר אלא לקריאה בעלמא כו', פ' אטו בשופטני עסקינן שאינם מבינים מה שמוציאין מפייהם, ואם כן יקרא מה שירצה אם אינו מבין שום דבר, וכי מאחר שאינו מבין למה לא ילמוד מתוך הפירוש. ואי משום שיש בו עיון, מכל שכן דעדיף ... דכל מה דמצטער ללמדו ומתקשה, טפי עדיף.

שו"ת מהרי"ל ס' רא

³³ R. Avraham Gombiner (c.1633-1683), *Magen Avraham* 554:3, prohibits studying the chapters in Yirmiyahu (46-51) that discuss the downfall of the other nations of the world. This indicates that one is prohibited to study portions that don't relate to Tisha B'Av, the day of mourning Jewish tragedies, even if they relate to tragic events.

Rabbeinu Peretz's opinion may be explained based on the concern for joy when one studies Torah materials in depth, even if the subject matter is of a somber nature. Yet, Maharil seems to be focused on the effect that it has on the person studying these materials. One can explain that there is no resulting joy when one studies these subjects, even when they are studied in depth. Alternatively, one can understand that the primary concern is the proper focus on mourning and the themes of the day. When one studies these matters in depth, it contributes to a greater focus on mourning and the themes of the day.

While Shulchan Aruch, *Orach Chaim* 554:2, rules in according with Maharil, R. Avraham Gombiner (c.1633-1683), adds a qualification:

It seems to me that for this reason (i.e. because of the concern for joy) it is prohibited to study a discourse or question and answer even relating to somber matters because it provides one with joy.

Magen Avraham 554:5

נ"ל דמה"ט אסור ללמוד איזה דרוש
או קשיא ותירוץ אפ"ל בדברים הרעים
מפני ששמח' הוא לו.
מגן אברהם תקנד:ה

R. Gombiner seems to take the approach that the permissibility to study the commentaries on Yirmiyahu and Iyov is based on the fact that there is no resulting joy. This is true regarding an in depth study of certain types of somber material. However, if there will be resulting joy, it is prohibited. According to R. Gombiner, this does occur when studying a discourse or the give and take of a complex portion of Torah.

R. Yechiel M. Epstein (1829-1908), notes that it is inevitable that a scholar who studies Torah materials on Tisha B'Av is going to think about in-depth matters while studying. R. Epstein attempts to seek a justification for a scholar to study these materials:

In truth, it is very difficult for a scholar who is studying, because his mind will involuntarily think of questions and answers and the like. However, based on what I wrote, it is not a problem because all matters of Torah bring a certain element of joy, even the somber matters. However, the suffering nullifies the joy. Therefore, even if one thinks of a novel idea, the suffering is not nullified.

Aruch HaShulchan, Orach Chaim 554:7

ובאמת הדבר קשה מאוד לת"ח הלומד
שבע"כ השכל יחשוב קושיא ותירוץ וכיוצא
בזה אך לפמ"ש א"ש דוודאי טעם ומתיקות
התורה יש בכל דברי תורה אף בדברים
הרעים אלא שהצער מבטל השמחה א"כ אף
אם מחדש איזה חידוש עכ"ז לא נתבטל
הצער הצרות.
ערוך השולחן אורח חיים תקנד:ז

According to R. Epstein, as long as there is an element of suffering in the subject matter, one is permitted to study that subject on Tisha B'Av. R. Epstein also adds that R. Gombiner's stringency is more compatible with Rabbeinu Peretz's approach than Maharil's.

R. Yosef D. Soloveitchik³⁴ (1903-1993) offers a slightly different explanation. He notes Torah study always results in joy. Therefore, the permissibility to study certain portions is not based on the lack of joy in studying these portions. Rather, study of these portions is a fulfillment of mourning on Tisha B'Av, even though they bring one joy. For this reason, R. Soloveitchik

³⁴ *Shiurei HaRav al Inyanei Aveilut U'Tisha B'Av* pp. 45-46

affirms the position of his grandfather, R. Chaim Soloveitchik (1853-1918) who permits in-depth study of the portions as they further enhance one's fulfillment of mourning on Tisha B'Av.

Summary

On Tisha B'Av many of us struggle to make the mourning experience meaningful. The portions of Torah that one may study on Tisha B'Av are not simply a permissible means of passing the time. Rather, they serve as a tool to make the mourning experience more meaningful. For Meiri and Maharil, study of these portions is encouraged because they arouse the feelings of suffering that should be felt by someone who is mourning. For R. Eidels, study of these portions allows one to focus on the themes of the day. For R. Soloveitchik, these portions are part and parcel of the Tisha B'Av experience. The surge in study of these portions on Tisha B'Av in recent years is indicative of our desire to have a greater connection to the mourning experience. May the increased desire to connect to Tisha B'Av hasten the ultimate redemption as the Gemara states:

All who mourn Jerusalem will merit and see its Joy.

Baba Batra 60b

כל המתאבל על ירושלים זוכה ורואה בשמחתה.

בבא בתרא ס: